

REMARKS/ARGUMENTS

Status of Claims

Pending Claims

Claims 1-7, 10, 11, 13, 21-25, 27, 31, 34, 36-38, 40-42, 45, 47, 106, 126, 128, 151, 167, 197, and 259-272 are pending and are under consideration for examination.

Allowable Claims

Applicants thank the Office for noting that claims 3, 5, and 266 are only objected to for depending from a rejected claim.

Outstanding objections

Claim 10 is objected to for informalities.

Claim rejections

Claims 1, 2, 4, 6, 7, 10, 11, 13, 21-25, 27, 31, 34, 36-38, 40-41, 45, 47, 106, 126, 128, 151, 167, 197, 259-265, and 267-272 are rejected under 35 U.S.C. § 112, first paragraph, enablement and written description requirements.

Applicants respectfully traverse all outstanding rejections to the claims.

Claims canceled or added

In the instant amendment, claims 7, 24, 25, and 272 are canceled, without prejudice or disclaimer. Accordingly, after entry of the instant amendment, claims 1-6, 10, 11, 13, 21, 22, 23, 27, 31, 34, 36-38, 40-42, 45, 47, 106, 126, 128, 151, 167, 197, and 259-271 are pending.

Support for the Claim Amendments

The specification, including the claims as filed, sets forth an extensive description of the invention in the amended claims. Accordingly, Applicants respectfully submit that no new matter is introduced by the instant amendment.

Information Disclosure Statement

Applicants thank the examiner for reviewing and considering the Information Disclosure Statements (IDS) cited on page 2 of the OA.

Priority

Applicants thank the examiner for acknowledgment of the priority data.

Objections to Abstract

The Office objected to the Abstract of the disclosure and required correction for the reasons stated on page 2 of the OA.

Applicants, respectfully aver that the requirement for correction of the Abstract is improper. The requirement for the abstract to commence on a separate sheet of paper does not apply to published international applications that are communicated to the designated Offices. See MPEP § 1893.03(e)(I):

The abstract is reproduced on the cover page of the publication, even though it appears on a separate sheet of the international application in accordance with PCT Rule 11.4(a). The requirement of 37 CFR 1.52(b) that the abstract "commence on a separate physical sheet or electronic page" does not apply to the copy of the published international application communicated to the designated Offices by the International Bureau under PCT Article 20. Accordingly, it is improper for the examiner of the U.S. national stage application to require the applicant to provide an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the publication of the international application. Unless the abstract is properly amended under the U.S. rules during national stage processing, the abstract that appears on the cover page of the published international application will be the abstract published by the USPTO under 35 U.S.C. 122(b) and in any U.S. patent issuing from the application.

The instant application is a U.S. National Stage Application, thus the Office should have received documents for this application from the International Bureau, including the Publication of the International Application that contains a cover page with the reproduced abstract of the disclosure. Accordingly, the abstract communicated to the Office by the International Bureau is

in accordance with the law and the request for correction made by the Office should be withdrawn.

Claim Objections

Claim 10 is objected to for the reasons stated on page 2 of the OA. The instant amendment addresses this issue. Therefore, Applicants respectfully request that the objection to Claim 10 be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

Enablement

Claims 1, 2, 4, 6, 7, 10, 11, 13, 21-25, 27, 31, 34, 36-38, 40-41, 45, 47, 106, 126, 128, 151, 167, 197, 259-265, and 267-272 are rejected under 35 U.S.C. § 112, first paragraph, enablement requirement for the reasons stated on pages 2-11, of the OA.

The instant amendment addresses this issue. For example, claim 1 has been amended to encompass polynucleotide comprising 95% sequence identity to SEQ ID NO.: 23, over at least 1650 nucleotides, encoding polypeptides having laccase activity. Accordingly, the specification enables a person of ordinary skill in the art to make and use the invention as claimed, without undue experimentation.

Therefore, Applicants respectfully request that the rejection 35 U.S.C. § 112, first paragraph, enablement requirement, be withdrawn.

Written Description

Claims 1, 2, 4, 6, 7, 10, 11, 13, 21-25, 27, 31, 34, 36-38, 40-41, 45, 47, 106, 126, 128, 151, 167, 197, 259-265, and 267-272 are rejected under 35 U.S.C. § 112, first paragraph, written description requirement for the reasons stated on pages 2-11, of the OA.

The instant amendment and the reasons stated above address this issue. Additionally, all of the species within the amended genus share a significant degree of partial structure (i.e, at least 95% of SEQ ID NO:23). A person of ordinary skill in the art, would be able to recognize a sequence 95% of SEQ ID NO:23 by comparing a given sequence to SEQ ID NO:23.

Furthermore, a person of ordinary skill in the art would be able to make and identify variants having 95% identity to SEQ ID NO:23. Accordingly, a person of ordinary skill in the art would be able recognize from the specification that the Applicant was in possession of the invention as claimed.

Therefore, applicants respectfully request that the rejection 35 U.S.C. § 112, first paragraph, written description requirement, be withdrawn.

CONCLUSION

It is believed that after entry of the instant amendment all claims pending in this application will be in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0661** referencing docket No. 564462012600.

Dated: May 12, 2009

Respectfully submitted,

By: /Brian W. Siddons/

Brian W. Siddons
Registration No.: 62,776

VERENIUM C/O MOFO S.D.
(Customer No.: 45975)
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040

Phone (858) 526-5296
Fax (858) 526-5796
e-Mail Brian.siddons@verenium.com